

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

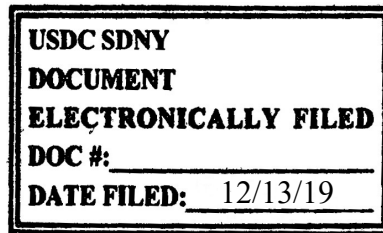
MATTHEW WHITTINGTON,

Plaintiff,

-against-

COMMISSIONER JOSEPH PONTE, et al.,

Defendants.



16-CV-1152 (AJN) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed plaintiff's letter dated November 25, 2019 (Dkt. No. 178), in which plaintiff states that he remains in "grave danger" as a result of testimony he apparently provided in the 2017 criminal case styled *U.S. v. Calypso*, No. 1:17-cr-224-VEC-1 (S.D.N.Y.), and "ask[s] for the District Judge in charge" of that case, as well as for "the U.S. Attorneys office name & address." He also requests the "current disciplinary record" of all defendants in this action, including Captain Brown and Officer Pagan, as well as dismissed defendant Hughes and Medina.

Plaintiff's prior correspondence concerning his allegations of danger stemming from his testimony in *U.S. v. Calypso* (see Dkt. Nos. 175, 176) has already been provided to the presiding District Judge in *U.S. v. Calypso*, as well as to the United States Attorney's Office for the Southern District of New York. (Dkt. No. 177.) Plaintiff's November 25, 2019 letter has also been provided to the District Judge in *U.S. v. Calypso*. With this Order, the Court will provide plaintiff with a copy of the docket sheet in *U.S. v. Calypso*.

I construe plaintiff's requests for the "current disciplinary record" of "all defendants" as a motion to reopen fact discovery, which closed – after numerous extensions – on January 31, 2019. "In deciding whether to reopen discovery, courts consider whether good cause exists." *Bakalar v. Vavra*, 851 F. Supp. 2d 489, 493 (S.D.N.Y. 2011). I find no good cause to reopen discovery here. Plaintiff's motion, to the extent it seeks to reopen discovery in this matter, is therefore DENIED.

The Clerk of Court is directed to mail a copy of this Order, as well as a copy of the docket sheet in *U.S. v. Calypso*, No. 1:17-cr-224-VEC-1 (S.D.N.Y.), to plaintiff *pro se*.

Dated: New York, New York
December 13, 2019

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge